

1870-008  
Lee Co.

Chancery Causes Cudmellian M. Hanks vs. Engel Kiel P. Hobbs &c

Liton, Burns

CA-Debt



Virginia Lee County Court

To the worshipful Justices of the Lee County Court in chancery sitting, your orator Eudimilian Banks, respectfully represents to your worships previous to the 1st day of March 1861, Ezekiel P Hobbs, was indebted to George Ashury in sum of one hundred and eighty six and five cents for which he executed to the said George Ashury his promissory note, by which he promised to pay said Ashury said sum of money on the 1st day of March 1861, he subscribed his name to said promissory note and delivered it to said George Ashury, your orator further represents, that afterwards the said George Ashury assigned said note & delivered it to William A Tull, and said William A Tull assigned said note to your orator, your orator further represents, that on the 29th day of February 1865 the said Ezekiel P Hobbs paid on the said note \$50, which was credited on the same, he never did pay to George Ashury or William A Tull or to your orator any other or further sum on said note, but the whole of the rest & residue of said note is unpaid, and is now due and owing by the said Hobbs to your orator, the note is lost, and cannot be filed in this case

your orator further represents, that the said Ezekiel P Hobbs, he resides in the State of Tennessee, but your orator charges that he said Ezekiel P Hobbs has debts due him in this county, one <sup>Dixon S.</sup> ~~Richard~~ Linton, who resides in Lee County, in the State of Virginia owes to Ezekiel P Hobbs a debt of \$400 or \$500, which is now



due and payable, your orator is remedied at the  
common Law, and can only obtain relief in this  
honorable Court, wherefore he prays your worships to  
grant him relief, he prays for a decree setting up  
and establishing said lost promissory note, against  
said Hobbs, and for a decree against him  
for the principal and interest due thereon, and  
for an attachment against the estate of the  
said Hobbs, and that the debt that said Richard  
Scitton owes him, or so much thereof as will be  
sufficient to pay your orators debt interest and  
the costs of this suit be attached in the hands  
of said Scitton, and he be restrained from  
paying it to said Hobbs or any one else until  
the matters of your orators complaint herein can  
be fully heard in your honorable Court, and for  
your worships to order and decree the said  
Scitton to pay to your orator so much of the  
debt he owes to said Hobbs, as will be sufficient  
to pay your orators debt the interest that has & may  
hereafter accrue thereon, and the costs of this suit  
he prays for all such other and further relief, as  
may appear proper to be granted to him in  
a Court of Chancery, to that end therefore he  
makes Ezekiel P Hobbs, and <sup>Richard</sup> ~~Richard~~ Scitton  
their co-defendants, and the Bill as he has shewed  
they be come to the Court, and the  
to the usages & practice of a Court of Chancery  
and may it please your worships to award  
the commandment writ of Subpoena against  
the defendants, commanding &c, and as in duty  
bound, your orator will ever pray &c.

Burns P 9



Hobbs & Co

Sept. Filed Map  
Specimens of Minerals  
Nov. June. C. Pass. By  
July - Contd for Pickle  
Aug. Contd for Sun  
Sept. Pub. complete and a  
Nisi as to Hobbs & Contd.  
Oct. Dec. Nisi Contd. as  
to Hobbs & Continued  
Nov. & Dec. Continued  
1870 Jan. Feb. March Contd.  
April May June July Aug.  
Sept. Oct. Nov. Dec. Contd.  
1870 Jan. Feb. March April contd.  
" May June July Aug. Sept. Oct. Nov. Dec. Contd.  
June Continued  
July Dismissed by Ref.



Virginia Lee County Court  
Cammillian Banks complainant.

against  
Ezekiel P. Hobbs &  
Dixon S. Linton defendants

affidavit

Wm H Burns attorney, and agent of the complainant Cammillian Banks, states that the complainants claim is to recover \$188.05 with interest from the 1st of March 1861 until paid, subject to a credit of \$50, paid the 29th day of Feb'y 1865, that he believes the said claim is just, and that there is present cause of action therefor, and that he believes the defendant Ezekiel P Hobbs has debts due him from his codefendant Dixon S Linton, who is sued with him and resides in the county of Lee in the state of Virginia.

Wm H Burns

Shown to before me by the complainants attorney & agent Wm H Burns the 29th day of May 1868.

Henry J. Morgan, C. C.

Lee County Virginia

Wm H Burns makes oath & states that Ezekiel P Hobbs, one of the defendants in the case of Cammillian Banks vs Ezekiel P Hobbs & Dixon S Linton, is not a resident of the state of Virginia.

Wm H Burns

Shown to before me by Wm H Burns the 29th day of May 1868.

Henry J. Morgan, C. C.



C. Hanks  
NS  $\rightarrow$  affidavits  
 $\rightarrow$

E. P. Hobbs & D. S. Sutton



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Ezekiel P. Hobbs and Dixon S. Litton*

*Justices of our county*  
to appear before the ~~Judge of our Circuit~~ Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *July* next, to answer *a bill in chancery, exhibited in*  
*our said Court against them by Edmund M. Hanks*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *29th* day of *May* 186*8*, in  
the *92<sup>nd</sup>* year of the Commonwealth.

*Henry J. Morgan*  
Clerk.

*Attest Henry J. Morgan C.C.*

Proper affidavit having been made before me, The officer Seizing  
this process is ordered to attach the debt alleged to be due or to become  
due to the defendant Ezekiel P. Hobbs from the defendant Ducken S.  
Sutton, and to hold the same subject to the future order of  
the court.

Henry J. Morgan Cb.

A Copy Teste

Henry J. Morgan Cb.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Ezekiel P. Hobbs and Dixon S. Litton*

*Justices of our county*  
to appear before the ~~Judge of our Circuit~~ Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *July* next, to answer *a bill in chancery exhibited*  
*in our said court against them by Ludwell M. Huske*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *29th* day of *May* 1868, in  
the *92<sup>nd</sup>* year of the Commonwealth.

*Henry J. Morgan* Clerk.



Proper affidavit having been made before me, The officer  
Serving this process, is ordered to attach the debt alleged to be  
due <sup>or to become due</sup> to the defendant Ezekiel P. Hobbs from the defendant Darius  
S. Sutton and to hold the same subject to the future order  
of the court.

Henry J. Morgan

Customhouse No. 11

107 { Spun on by both attachment

Ezekiel P. Hobbs, del.

July 1868

Not Executed.

J. W. M. S. C.

The bill



VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
four weeks successively, ending *July 10<sup>th</sup>* 1868,  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *22<sup>nd</sup>*  
day of *July*, 1868

*Geo. R. Barr,*  
*Jr. Ed. "Virginian"*

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 1st day of June, 1868:

Cudmellain M. Hanks, Plaintiff,

AGAINST  
Ezekiel P. Hobbs and Dixon S. Litton, Defts.

IN CHANCERY.

The object of this suit is to recover of the defendant Hobbs \$188.05, with interest from the 1st day of March, 1861, subject to a credit of \$50, paid February 29, 1865, and to subject to the payment thereof, a debt due from defendant Litton to the defendant Hobbs, which has been attached for the purpose: And it appearing from an affidavit filed in the cause, that the defendant E. R. Hobbs is a non-resident of this Commonwealth, he is therefore ordered to appear here within one month after due publication of this order, to do what is necessary to protect his interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, CLK.

June 19, 1868—4w



C. M. Hunter

85  
88  
~~94~~  
50  
150  
464